REMARKS

This is responsive to the Office Action of August 5, 2009. Claim 6 is cancelled, without prejudice. Claim 1 is amended based upon disclosure in the section of the specification entitled "Effects" (page 11, lines 5-26). Claims 4 and 5 are amended to delete their recitation of dependence upon claim 6. No new matter is introduced by this Amendment. With this Amendment, claims 1-5 remain in the application.

The objection to claims 4 and 5 is obviated by the amendment of those claims hereinabove.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,270,563 B1 (Herget) in view of US 5,830,446 (Berthiaume). Office Action, pages 2-3. Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Herget and Berthiaume and US 5,011,533 (Kuwajima). Office Action, page 3. Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Herget and Berthiaume and US 3,878,139 (Takahashi) and US 2004/0024078 A1 (Itoh). Office Action, page 3. Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Herget and Berthiaume and Kuwajima and Takahashi and Itoh. Office Action, pages 4-5. The rejection is moot as to claim 6, which has been cancelled. The rejection is respectfully traversed with respect to the remaining claims herein.

In the metallic pigment composition of the present invention, nitrocellulose adsorbs on the surface of a metal flake, and thereby gelation of UV monomers or UV oligomers is prevented, even when the metallic pigment composition is blended with a UV metallic composition. Since the metal flake has a function of promoting polymerization of UV monomers or UV oligomers, gelation occurs if an untreated metal flake is blended with UV monomers or UV oligomers. It is considered in the present invention that – since nitrocellulose adsorbs on the surface of a metal flake – the metal flake's function of promoting polymerization noted above is suppressed, thereby preventing occurrence of gelation. See Applicants'

specification, page 1, lines 13 to 24 and page 11, lines 5 to 26.

The present invention is characterized not only by specifying that nitrocellulose adsorbs on the surface of a metal flake but also by specifying properties (i.e., an average polymerization degree[1], a nitrogen amount[2], a blend ratio to the metal flake[3]) of nitrocellulose suitable for such adsorption.

Moreover, Herget is directed to industrial products such as printing ink or coating materials. The Herget technology has the object of being non-dusting. In contrast, Berthiaume is directed to cosmetic products such as hair conditioners, lipsticks, and nail polishes. The Berthiaume technology has the object of enhancing the color thereof. Therefore, even though both references refer to nitrocellulose, there is no scientific motivation to combine their respective technologies.

Withdrawal of the rejections of record is in order and is earnestly solicited.

If there are any questions concerning the present application, the Examiner is respectfully requested to contact Richard Gallagher (Reg. No. 28,781) at (703) 205-8008.

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Respectfully submitted,

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[1] "an average polymerization degree in a range of 30 to 150"
[2] "a content of nitrogen atom in a range of 10.7 to 12.2% by mass"
[3] "a metal flake and a nitrocellulose at a ratio in a range of the nitrocellulose 0.1 to 12 parts by mass to the metal flake 100 parts by mass"